

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
James Henry Call)	
)	Case No. 13-30686-KRH
)	
Debtor)	Chapter 13
)	
Address)	
10803 Timber Run Road)	
Chesterfield, VA 23832)	
)	
Last four digits of Social Security or Individual)	
Tax-payer Identification (ITIN) No(s).: 4205)	

NOTICE OF MOTION

Santander Consumer USA Inc., servicer for CitiFinancial Auto has filed papers with the court to move the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

Sara A. John, VSB #48425
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, Virginia 23452
757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452.

- ☐ Attend the hearing on the motion scheduled to be held on November 6, 2013 at 9:30 AM at United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 4, 2013

Signature, name, address and telephone number
of person giving notice:

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452
757-498-9600
Virginia State Bar No. 48425
Counsel for Santander Consumer USA Inc.,
servicer for CitiFinancial Auto

Certificate of Service

I hereby certify that on October 4, 2013 I mailed or electronically served a true copy of the foregoing Notice of Motion to: James Henry Call, 10803 Timber Run Road, Chesterfield, VA 23832; Terrie Mace Call, 10803 Timber Run Road, Chesterfield, VA 23832; Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; and Holly M.E. Trice, Counsel to Debtors, 7825 Midlothian Turnpike, Suite 104, Richmond, VA 23235.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	
)	
Terrie Mace Call)	
)	Case No. 13-30686-KRH
)	
Debtor)	Chapter 13
)	
Address)	
10803 Timber Run Road)	
Chesterfield, VA 23832)	
)	
Last four digits of Social Security or Individual)	
Tax-payer Identification (ITIN) No(s).: 0745)	

NOTICE OF MOTION

Santander Consumer USA Inc., servicer for CitiFinancial Auto has filed papers with the court to move the court for relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before fourteen (14) days from the date of service of this motion, you or your attorney must:

- ☐ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

Sara A. John, VSB #48425
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, Virginia 23452
757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

You must also mail a copy to:

Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452.

- ☐ Attend the hearing on the motion scheduled to be held on November 6, 2013 at 9:30 AM at United States Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 4, 2013

Signature, name, address and telephone number
of person giving notice:

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, VA 23452
757-498-9600
Virginia State Bar No. 48425
Counsel for Santander Consumer USA Inc.,
servicer for CitiFinancial Auto

Certificate of Service

I hereby certify that on October 4, 2013 I mailed or electronically served a true copy of the foregoing Notice of Motion to: James Henry Call, 10803 Timber Run Road, Chesterfield, VA 23832; Terrie Mace Call, 10803 Timber Run Road, Chesterfield, VA 23832; Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; and Holly M.E. Trice, Counsel to Debtors, 7825 Midlothian Turnpike, Suite 104, Richmond, VA 23235.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

James Henry Call
Terrie Mace Call

Case No. 13-30686-KRH

Debtors.

Chapter 13

Santander Consumer USA Inc., servicer for CitiFinancial Auto,

Plaintiff,

v.

James Henry Call,
Terrie Mace Call,
and
Robert E. Hyman, Trustee,

Defendants.

MOTION FOR RELIEF FROM STAY

NOW COMES Santander Consumer USA Inc., servicer for CitiFinancial Auto, by counsel, and states as follows as its Motion for Relief from Stay against Debtors:

1. This Court has jurisdiction over the matters herein alleged pursuant to 28 U.S.C. § 1334. This matter constitutes a core proceeding within the meaning of 28 U.S.C. § 157 and is a contested matter under Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.
2. That on or about February 11, 2013, Debtors filed a Chapter 13 bankruptcy. Debtors have filed a Chapter 13 plan.

Sara A. John, VSB #48425
M. Richard Epps, P.C.
605 Lynnhaven Parkway
Virginia Beach, Virginia 23452
757-498-9600
sara_john@eppspc.com
Counsel for Plaintiff

3. That Plaintiff is a secured creditor of Debtors being secured by a lien on a 2007 Dodge Caliber, VIN 1B3HB48B37D187295 (the “vehicle”).
4. That Debtors’ plan provides that Plaintiff’s secured claim would be paid through the Trustee.
5. That the vehicle was repossessed pre-petition on February 7, 2013. The vehicle was held from sale. Plaintiff has contacted Debtors’ counsel several times since the filing of this bankruptcy case with no response. Plaintiff is still in possession of the vehicle.
6. That the value of the collateral securing Plaintiff’s loan continues to decline through use and passage of time.
7. That Plaintiff lacks adequate protection.
8. For the above and foregoing reasons, Plaintiff asserts that cause exists sufficient to waive the requirement of Bankruptcy Rule 4001 (a)(3), therefore allowing the Order granting the relief sought to be effective upon its entry.

WHEREFORE, Plaintiff moves the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 so that it may proceed under state law.

Santander Consumer USA Inc., servicer for
CitiFinancial Auto

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.

Certificate of Service

I hereby certify that on October 4, 2013, I mailed or electronically served a true copy of this Motion for Relief from Stay to: Robert E. Hyman, Trustee, P.O. Box 1780, Richmond, VA 23218; Holly M.E. Trice, Counsel to Debtors, 7825 Midlothian Turnpike, Suite 104, Richmond, VA 23235; James Henry Call, 10803 Timber Run Road, Chesterfield, VA 23832; and Terrie Mace Call, 10803 Timber Run Road, Chesterfield, VA 23832.

/s/ Sara A. John
Sara A. John
M. Richard Epps, P.C.